

DRAFT
OFFICIAL MINUTES
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE MEETING
Texas Law Center
Austin, TX
Thursday, January 10, 2019

The Executive Committee met on January 10, 2019, in Austin at the Texas Law Center. President Joe K. Longley called the meeting to order at 10:30 am, and Executive Director Trey Apffel called the roll.

Present: Christy Amuny, Erich Birch*, Estrella Escobar, Jarrod Foerster, Chair Laura Gibson, Charlie Ginn, Wendy-Adele Humphrey, Sarah Keathley, Neil Kelly, Justice Debra Lehrmann, President Joe K. Longley, Emily Miller*, TYLA President Sally Pretorius, TYLA Immediate Past President Baili Rhodes, Scott Rothenberg, Greg Sampson, President-elect Randy Sorrels, and Immediate Past President Tom Vick.

Participating via teleconference: Immediate past Chair Rehan Alimohammad*

Excused absence: Dinesh Singhal

*Nonvoting member

I. Remarks from the General Public

Carlos Leon from Austin, TX addressed the Executive Committee regarding a dismissed grievance.

II. REPORTS

A. Report from the Executive Director

Executive Director Trey Apffel's report consisted of updates regarding: 1. his recent travels; 2. a year-end report on 2018 staff activities; 3. online-only dues payment; 4. State Bar of Texas Ethics Helpline; 5. Chris Ritter's promotion to director of the Texas Lawyers Assistance Program; 6. the plans of the Committee on Laws Related to Immigration and Nationality to visit the U.S. Consulate's office in Juarez; and 7. *Fleck v. Wetch*, concerning the constitutionality of mandatory bar associations. {SEE ENCLOSURES}¹

B. Report from the General Counsel: No report.

C. Report from the President

Upon motion properly made by Immediate Past President Tom Vick and seconded by Director Wendy-Adele Humphrey, the minutes of the September 13 and September 18, 2018, Executive Committee meetings were approved. {SEE ENCLOSURES}

Closed Session: At 11:05 am, the Executive Committee recessed the open meeting and reconvened in closed session pursuant to Texas Government Code Section 551.071 for the purpose of consulting with legal counsel, including regarding pending or contemplated litigation (*Jovita Pardo v. the State Bar of Texas et al.*; *Patricia Baskette v. State Bar of Texas Insurance Trust and the Prudential Insurance Company of America*; *Fleck v. Wetch*, 139 S.Ct. 590 (2018); and threatened litigation regarding voting in TYLA and State Bar statewide elections).

Open Session: At 11:45 am, the open session of the Executive Committee meeting reconvened. During the closed session, only matters relating to consultations with legal counsel were discussed. No action was taken in closed session.

President Joe K. Longley introduced the new Supreme Court Liaison, Justice Debra Lehrmann. President Longley reported on the 2019-20 Budget. He gave a brief update on the Committee Review Subcommittee's work.

¹Enclosures are available at www.texasbar.com/bodmaterials

On behalf of the Committee Review Subcommittee, President Longley made a motion that the Executive Committee approve the Subcommittee's recommendations regarding: eliminating the Child Abuse and Neglect Committee; Increase the number of Advisory Members on the Patten Jury Charges and Real Estate Forms committees; adding the word "Insurance" to the PJC Business, Consumer and Employment Committee; and formally eliminate the Texas Disciplinary Rules of Profession Conduct committee from the roster of committees; and Change the reporting date for committees to submit their goals and objectives to the State Bar from September 30 to September 1 of every year. Coming from a committee, no second was needed. No discussion; Motion carried.

President Longley reported that he would be appointing Marc Gravely of San Antonio to replace the unexpired term of Tom g. Keyser. Mr. Apffel gave an update on the Chief Disciplinary Counsel search and related that the selection would be brought before the board at its January meeting. {SEE ENCLOSURES}

- D. Report from the Chair of the Board: Chair of the Board Laura Gibson reported that the district letters from board members were mailed in November. She thanked the Communications Division for its efforts in sending these in a timely manner. The next correspondence from the board members to their districts will be an e-blast, which will be sent in February.

Chair Gibson reported that the deadline was December 12 for directors to submit letters of intent to run for next year's Chair of the Board. She received letters of intent from four candidates: Jerry Alexander, Alison Colvin, Leslie Dippel, and Neil Kelly.

- E. Policy Manual Subcommittee:

Director Estrella Escobar reported that the Policy Manual Subcommittee met via teleconference on January 4, 2019, to hear and consider President Joe K. Longley's proposal regarding voting in TYLA and State Bar statewide elections. Director Escobar related that, after discussion, the subcommittee decided not to vote on a revision to the Policy Manual. Director Rudy Metayer then moved that the Subcommittee resolve that the Bar should maintain the status quo for voting in TYLA and State Bar elections. The motion carried with eight votes in favor and only President Longley voting against. President Longley then moved for a resolution that, "all members of the State Bar have an equal right to vote in any election conducted by the State Bar of Texas." The motion did not receive a second.

The Executive Committee recessed for lunch at 12:01 pm and returned to session at 12:25 pm.

- F. Report from the Immediate Past President: Immediate Past President Tom Vick reported on the launch of Board Effect, the new State Bar of Texas Board of Directors portal.

- G. Nominations & Elections Subcommittee:

Immediate Past President Tom Vick reported that two nominees were chosen to run for State Bar President-elect, Cezy Collins of El Paso, and Larry McDougal of Richmond and that there are 10 district director positions up for election this year. {SEE ENCLOSURES}

- H. Report from the President-elect:

President-elect Randy Sorrels reported on a potential rule for parental leave for courthouses and firms; updates on the Courthouse Access Badge Task Force; and the potential formation of a SBOT Board of Directors social media engagement team. Mr. Sorrels reported that the Budget Committee met on December 13 at the Law Center.

On behalf of the Budget Committee, Mr. Sorrels made a motion that the State Bar's proposed budget for fiscal year 2019-2020 be approved for presentation to the Board and for publication in the March 2019 issue of the *Texas Bar Journal*. Coming from a committee, no second needed. No discussion; Motion carried. {SEE ENCLOSURES}

- I. Administration Committee: Director Christy Amuny reported that on January 17, the Administration Committee will meet to hear from the Facilities and Equipment Subcommittee regarding options for the Dallas CDC lease.

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- J. Audit & Finance Committee:
Director Jarrod Foerster reported that the General Fund actual amount of net revenues over expenditures for the period ending November 30, 2018 was slightly under \$1.5 Million. Mr. Foerster reported that the Audit and Finance Committee engaged McConnell & Jones, L.L.P. to complete the FY 2017-2018 internal audit in accordance with the internal audit plan, and that the CPA firm RSM has completed the FY 2017-2018 financial audit of the State Bar. He reported The Audit and Finance Committee received and accepted the Weaver Transparency Audit on November 28. **{SEE ENCLOSURES}**
- K. Ad Hoc Committee to Select At-Large Directors:
Director Angelica Hernandez reported by phone that there are two openings for At-Large Director positions this year. The Ad Hoc Committee received 20 nominations. Ms. Hernandez reported that the Committee reviewed the nominations and determined that they would interview 7 people from this list of 20 nominations. Ms. Hernandez reported that the Ad Hoc Committee will recommend four nominees to President Joe Longley for consideration. Of those four, President Longley will choose two and submit those appointments to the Board for consideration at the April Board meeting.
- L. Discipline & Client Attorney Assistance: No report.
- M. Legislative Policy Subcommittee:
Director Christy Amuny reported on behalf of Legislative Policy Chair Jeff Chandler that on October 3, 2018, an email was sent to all State Bar of Texas members containing information regarding a public hearing to hear comments on the legislative proposals submitted for consideration. The public hearing was held on October 16, 2018, at the Texas Law Center. Prior to the public hearing, the Legislative Policy Subcommittee was notified that the REPTL Section and the Health Law Section had worked out their differences on the medical power of attorney proposal. The Legislative Policy Subcommittee did not take any action at the public hearing.
- N. Professional Development Subcommittee:
Director Sarah Keathley reported that the CLE Committee and the Board PDP Subcommittee met December 6 to discuss new topics for CLE programs and publications, finances, and operations. She reported that the State Bar is holding a free CLE event for solo and small firm practitioners on March 27 in Texarkana. Ms. Keathley reported that TexasBarCLE is 5% above projected net revenue with strong showings in live and online classes, sponsorships, and royalties. She reported that TexasBarCLE rolled out a new program called Flash CLE Silver to assist attorneys 70 and older in meeting their MCLE requirements at a discounted rate and that TexasBarBooks plans to launch the Texas Probate System Online in February.
- O. Insurance/Member Benefits Subcommittee:
Director Greg Sampson reported that the 2019 health insurance Open Enrollment period ended on December 15, 2018. He reported that the Member Health Plan was launched in June and that rates are 5 to 30 percent lower than the best group plans have quoted. The committee will be reviewing the program's performance and considering possible complimentary enhancements for participants. As of October, revenue from the program totaled \$462,887. Mr. Sampson reported that the committee continues to explore ways to increase awareness and grow non-dues revenue through the program with services or products that benefit members.
- P. Section Representatives to the Board: No report.
- Q. Supreme Court Liaison: No Report.
- R. Texas Young Lawyers Association: TYLA President Sally Pretorius reported that TYLA is undergoing a policy and bylaws change which will be presented to their board for approval in June. Ms. Pretorius also reported on various TYLA projects: Wonder Woman Wednesday Podcast, Compassion Fatigue Awareness, Diversity Tool Kits, The Choice, Bookshelves in the Courtroom, TYLA Podcast, Children's Advocacy Guides, and the Shero project.
- S. Report from Legal Counsel: John Sirman asked the Executive Committee if Tom Leatherberry should be present at the January board meeting. The Executive Committee agreed that they would like for him to be there.

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There being no further business, the meeting was adjourned at 1:17 pm.

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